

**Tentative Rulings
March 6, 2023
Department 9
1:30 p.m.**

******PLEASE NOTE ALL GUARDIANSHIP MATTERS ARE
NOW HEARD IN DEPARTMENT 9******

NOTICE TO ALL GUARDIANS AND PETITIONERS: Due to COVID-19, phone appearances are approved by the Court and highly recommended. Further, the Court's Self Help Center is available by phone and email to assist Guardians and Petitioners. The Self Help Center does not provide assistance with Guardianships of the Estate. Please see the Court's website for updated information and contact information for the Court's Self Help Center.

Appearances will be by telephone through WebEx unless otherwise specifically ordered by the court. To appear through WebEx, please follow these instructions:

Call 1-(844) 517-1271 between 1:20 – 1:30 p.m.

The access code is 1464798527

There is no attendee ID number, so just follow verbal instructions for prompt.

Once you have gained access, wait for the court to start the calendar. Please follow these instructions once a calendar is called:

- 1. please mute your telephone until your case is called;**
- 2. please do not place the call on hold;**
- 3. minimize all background noise during your call;**
- 4. please identify yourself, each time, prior to speaking with the court;**
- 5. disconnect when the court has completed your case or cases;**
- 6. the court prohibits the recording of these proceedings.**

ANNUAL REVIEWS

GUARDIANSHIP OF COLBY BROOKS

Case Number: CVPG22-0031431

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIP OF CLARICE AND MARILYN COX

Case Number: CVPG14-0027928

This matter is on calendar for an Order to Show Cause issued to the Guardian for failure to appear at the previous hearing and for failure to file the required Confidential Guardianship Status Report. The matter is also on calendar for further proceedings on the Annual Review. No response to the Order to Show Cause has been submitted. The Status Report has not been submitted. **An appearance is necessary on today's calendar to discuss the Guardianship's status. The Guardians may appear by telephone. Warning: Failure to appear on today's calendar will result in the issuance of both monetary sanctions in the sum of \$250.00, and an Order to Show Cause re Termination of Guardianship.**

GUARDIANSHIP OF IZABELLA GUNTER

Case Number: CVPG19-0029954

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIP OF AMANDA HAY

Case Number: CVPG12-0027274

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIP OF MCMULLEN

Case Number: CVPG19-0030342

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and**

submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.

GUARDIANSHIP OF ELIJAH HORN (CAPTIONED MELBERG, ET AL.)

Case Number: CVPG14-0027838

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIP OF KODAH OSBORNE

Case Number: CVPG18-0029871

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIP OF GABRIEL YAHNE

Case Number: CVPG18-0029854

This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GUARDIANSHIPS

GUARDIANSHIP OF JORDAN ARAMBUL

Case Number: CVPG18-0029780

This matter is on calendar for Further Proceedings regarding Status of Oregon Guardianship and Stayed Order to Show Cause regarding Sanctions in the Amount of \$250.00. **The Guardian is**

ORDERED to appear at today's hearing to provide the Court with a status of the Oregon Guardianship. Failure to do so will result in the imposition of sanctions in the amount of \$250.

GUARDIANSHIP OF JINESIS AND NEVAEH BARRY, AND JAMES ORTEGA, JR.

Case Number: 23PG-0031887

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of the minors Jinesis and Nevaeh Barry and James Ortega, Jr. The Petition was filed by the minor's maternal grandparents Hector and Stacy Barry. Letters of Temporary Guardianship issued on February 3, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court dispenses with notice to the deceased mother. Petitioners have provided declarations regarding their efforts to locate and serve the fathers of each minor, unknown as to Jinesis, Francisco Hernandez (Navaeh), and James Ortega (James). Sufficient information has been provided to permit the Court to dispense with notice to these parties, and the unknown paternal grandparents of each minor. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed February 22, 2023 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the children to be with either parent or any parent objecting to the guardianship, the guardianship is in the children's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9.** **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF KAYTLYNN CECIL

Case Number: 23PG-0031881

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minor Kaytlynn Cecil. The Petition was filed by the minor's maternal grandmother Tina Knowles. Letters of Temporary Guardianship issued on January 30, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother and maternal grandfather have signed a consent to appointment of guardian and waiver of notice. The Petitioner has provided a declaration regarding the father and paternal grandparents. The declaration provides sufficient basis for the Court to dispense with notice to those parties. The

matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed February 10, 2023 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF KINGSLEIGH EDENS

Case Number: 22PG-0031778

This matter is on calendar for further proceedings on the Petition for Appointment of Guardian of the Person of minor, Kingsleigh Edens. The Petition was filed by the minor's paternal grandmother Melissa Chavez.

The mother and father have consented to the appointment of guardian and waived notice. The Court will dispense with notice to the deceased maternal grandmother, and unknown maternal grandfather. Proof of service on the paternal grandfather has been filed. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed November 16, 2022, and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF JOSEPH KERN

Case Number: CVPG20-0030487

This matter is on calendar for further proceedings on a Petition for Termination of Guardianship filed by the father, Joseph Kern. As the Court noted in its January 9, 2023 Order, no proof of service is on file. The Petition and Notice of Hearing must be served on the minor, guardians (maternal grandparents) and paternal grandmother. No new proofs of service have been filed since

the last hearing. The Court has reviewed the Court Investigator's Report filed February 1, 2023 which recommends denying the Petition. **An appearance is necessary on today's calendar to discuss the status of the Petition. Petitioner's failure to appear may result in denial of the Petition.**

GUARDIANSHIP OF ABIGAIL KNIGHT

Case Number: 22PG-0031632

This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The Petition was filed by the minor's maternal grandmother Diane Dallen. Letters of Temporary Guardianship issued on February 8, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court has previously dispensed with notice to the unknown paternal grandfather and deceased maternal grandfather. Paternal grandmother (who appeared on October 31, 2022 and accepted service) was deemed served. The mother has been personally served. The father has signed a consent to appointment of guardian and waiver of notice. The sibling has been served. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed August 12, 2022 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9.** **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF EMMA AND SEBASTIAN MCCULLOUGH

Case Number: 22PG-0031524

This matter is on calendar for hearing on a Petition for Termination of Guardianship filed by the minors' parents Diane and Dakota McCullough.

The maternal grandparents have consented to termination and waived notice of the hearing. No proof of service is on file for the minor, guardian (paternal grandmother), paternal grandfather, or sibling. A proof of service filed for the paternal grandfather is invalid because it has not been signed or dated. An amended proof of service must be filed.

The Court Investigator requests a continuance to complete an investigation and report. This matter is continued to **Monday, April 3, 2023, at 1:30 p.m. in Department 9.** Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve

the parties identified, in order to permit the Court to dispense with notice to the party. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF ALICIA MEJIA

Case Number: CVPG17-0029157

This matter is on calendar for further proceedings regarding resetting of Court Trial on the contested Petition for Termination of Guardianship. **An appearance is necessary on today's calendar to discuss the status of the Guardianship and for setting. All parties are ordered to appear.**

GUARDIANSHIP OF MESA MITCHELL

Case Number: 22PG-0031801

This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person of minor Mesa Mitchell. The Petition was filed by non-relative Patsy Thompson. Letters of Temporary Guardianship issued on November 17, 2022. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother and father have been personally served. Proof of service is on file for the maternal grandparents and paternal grandfather. The Court dispenses with notice to the deceased paternal grandmother. Proof of service to the Pit River Tribe, Navajo Nation, and Sacramento Bureau of Indian Affairs is on file. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Children and Family Services Report filed January 6, 2023 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9.** **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF SILENCE MONIGOLD

Case Number: 22PG-0031729

This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person of the minor Silence Monigold. The Petition was filed by the minor's maternal

grandmother Virginia Runyon. Letters of Temporary Guardianship issued January 30, 2023 and are set to expire today unless further extended.

The Court previously dispensed with notice to the deceased maternal grandfather. The parents, siblings, and paternal grandmother have consented to the appointment and waived notice. There is still no service on the paternal grandfather. Insufficient information has been provided to permit the Court to dispense with notice to him. The Court notes that at the last hearing, Petitioner was directed to file a Declaration of Due Diligence regarding efforts to locate and serve the paternal grandfather. No Declaration has been filed. The Court has reviewed the Court Investigator's report, filed October 19, 2022, which recommends granting the Petition.

This matter is continued to **Monday, April 3, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the paternal grandfather. In the alternative, the Court will require a declaration explaining why he cannot be served and the efforts of Petitioner to locate and serve him, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF MASYN OWEN

Case Number: CVPG20-0030627

This matter is on calendar for hearing on a Petition for Successor Guardianship filed by the minor's maternal grandparents Charlene and Mickey Swaffar.

Consent to Appointment and Waiver of Notice is on file for the Guardian and the minor. A declaration has been filed permitting the Court to dispense with notice to the unknown father and unknown paternal grandparents. Petitioner filed a Declaration regarding efforts to locate and serve the mother. The Court thereafter directed service of the mother by mail at her last known address, and proof of service has been filed. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed December 19, 2022 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF E'OWYN REINKE

Case Number: 23PG-0031879

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minor E'owyn Reinke. The Petition was filed by the minor's half-sister Ellie Reinke. Letters of Temporary Guardianship issued on January 30, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother, maternal grandmother, and siblings have consented to the Guardian and waived notice. The Court dispenses with notice to the unknown father, unknown paternal grandparents, and deceased maternal grandfather. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed February 10, 2023 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF HAYLEY RENO AND RICHARD GABORIAULT**Case Number: 22PG-0031483**

This matter is on calendar for hearing on a Petition for Visitation filed by the minors' mother, Jessica Surridge. There is no proof of service of the Notice of Hearing or Petition on file. The Guardian must be provided with Notice of Hearing and a copy of the Petition at least 15 days prior to the hearing. This matter was continued from January 9, 2023 to allow for notice, and nothing further has been filed.

This matter is continued to **Monday, April 10, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the parties identified above. **Warning: Failure to properly effect service will result in denial of the Petition. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF OLIVER SANCHEZ-HORN**Case Number: CVPG18-0029703**

This matter is on calendar for further proceedings on a Petition for Termination of Guardianship filed by minor's mother Erica Hutchinson. Maternal grandparents George and Francis Horn are the current co-guardians.

This matter has been properly noticed with proof of service on all living parties. The Court has reviewed and considered the Court Investigator's Report filed on December 30, 2022 and agrees with the recommendation to grant the Petition.

The Petition is **GRANTED**. An Order Terminating Guardianship has been submitted and will be executed. Upon execution of the order, the clerk is instructed to close the file and vacate all future dates. The mother is to be commended for her efforts. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF IHANA AND ANIYAH STEVENSON

Case Number: 23PG-0031889

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors Ihana and Aniyah Stevenson. The Petition was filed by the minors' maternal grandmother Wanda Carter. Letters of Temporary Guardianship issued on February 8, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court dispenses with notice to the deceased maternal grandfather. Proof of service is on file for the sibling. There is no proof of service of the Notice of Hearing for the mother, father, or paternal grandparents. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(c). The Court has reviewed the Court Investigator's report, filed February 21, 2023, which recommends granting the Petition.

This matter is continued to **Monday, April 10, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF AZIRYAH AND CHAYSIN UPSON

Case Number: CVPG19-0030193

This matter is on calendar for further proceedings regarding Status of Guardianship. The Court previously granted permission for Chaysin to reside in Washington State; however, no Washington Guardianship has been established as required by Probate Code § 2352(d)(1). **An appearance is necessary on today's calendar to provide the Court with a status on the Washington**

Guardianship. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to initiate a guardianship for Chaysin in Washington State.

GUARDIANSHIP OF SADIE VIERRA

Case Number: CVPG19-0030051

This matter is on calendar for further proceedings on the Petition for Appointment of Successor Guardian of the Person. The Petition was filed by non-relative, Mary Martindale. The Court granted temporary guardianship to Ms. Martindale on January 23, 2023.

The mother and father have consented to the Petition and waived notice. The Court previously dispensed with notice to the paternal grandfather. The maternal grandmother/former guardian, maternal grandfather, and paternal grandmother have been served. Proof of service is on file for the Pyramid Lake Paiute Tribe, US Department of the Interior, and Bureau of Indian Affairs. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Child and Family Services Report filed September 8, 2022 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF JOSIAH AND DESHAWN YOUNG

Case Number: 22PG-0031745

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors, Josiah and Deshawn Young. The Petition was filed by the minors' maternal aunt, Summer Dillard.

The Court has dispensed with notice to the deceased mother. The father has consented to the guardian and waived notice. The maternal and paternal grandparents and sibling have been properly noticed by mail. The matter has been properly noticed. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed November 21, 2022 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the

guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, March 11, 2024, at 1:30 p.m. in Department 9**. **No appearance is necessary on today's calendar.**